



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

January 20, 2019

Via ECF and Email

The Honorable Richard J. Sullivan
United States Circuit Judge
United States Court of Appeals for the Second Circuit
40 Foley Square
New York, New York 10007

The Honorable Andrew L. Carter
United States District Judge
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

The Honorable Alvin K. Hellerstein
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

The Honorable Gregory H. Woods
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

**Re: United States v. Jona Rechnitz,
16 Cr. 389 (RJS)**

**United States v. Norman Seabrook and Murray Huberfeld,
16 Cr. 467 (AKH)**

**United States v. Jeremy Reichberg,
16 Cr. 468 (GHW)**

Dear Judges Carter, Hellerstein, Sullivan, and Woods:

The Government respectfully submits this letter in accordance with the Court's procedure regarding sentencing for defendants in factually related cases that are pending before different judges, upon defendant Jona Rechnitz having concluded his principle cooperation with the conclusion of *United States v. Jeremy Reichberg*, 16 Cr. 468 (GHW). The Government notes Reichberg's sentencing has been scheduled for April 4, 2019, and that it may be necessary for Rechnitz to testify in proceedings related to that sentencing procedure.¹ We therefore respectfully request that Rechnitz's sentencing be scheduled for a date after Reichberg's sentencing.²

The "related-cases" procedure provides in pertinent part that, when the Government is filing a motion on behalf of a defendant pursuant to United States Sentencing Guidelines Section 5K1.1, the Government, prior to sentencing, is to provide the judge with a "brief statement identifying any prior proceedings in which the defendant has testified before a different judge pursuant to a cooperation agreement." Such statement is to be provided to both the assigned sentencing judge and the judge or judges before whom the defendant testified.

In this instance, defendant Jona Rechnitz pled guilty before Judge Sullivan on June 6, 2016, pursuant to a cooperation agreement with the Government. Based on Rechnitz's cooperation, a number of other defendants were charged and convicted, including Norman Seabrook and Murray Huberfeld, whose cases were assigned to Judge Carter under docket number 16 Cr. 467 (ALC), and Jeremy Reichberg and Michael Harrington, whose cases were assigned to Judge Woods under docket number 16 Cr. 468 (GHW).

On November 16, 2017, a first trial against Seabrook and Huberfeld ("Seabrook I") ended with the jury unable to reach a verdict against either defendant. During *Seabrook I*, Rechnitz testified, on direct and cross examination, for at least parts of six days. After the trial, the case was reassigned to Judge Hellerstein under docket number 16 Cr. 467 (AKH). Prior to the retrial, Huberfeld pled guilty to charges contained within a superseding information.

On August 15, 2018, a second trial ("Seabrook II") against Seabrook ended with Seabrook's conviction before Judge Hellerstein. During *Seabrook II*, Rechnitz testified, on direct and cross examination, for parts of three days. Judge Hellerstein is scheduled to sentence Huberfeld on January 25, 2019 and Seabrook on February 8, 2019.

¹ We do not foresee such testimony being necessary with respect to the sentencing of the other convicted defendants mentioned below.

² We further note that Reichberg's counsel has suggested, on the record, that his sentence may need to be delayed due to her scheduled appearance at trial in a matter before the Honorable Nicholas Garaufis in the Eastern District of New York. Should Reichberg's sentencing be adjourned, we respectfully request that Rechnitz's sentencing date be moved so that it can take place after Reichberg's.

On January 2, 2019, Reichberg was convicted before Judge Woods. The jury voted to acquit a second trial defendant, James Grant. During the trial of Reichberg and Grant, Rechnitz testified, on direct and cross examination, for parts of nine days. A third indicted defendant, Michael Harrington, pled guilty to charges contained within a superseding information prior to trial, and has already been sentenced by Judge Woods.

With the conclusion of the Reichberg trial, Rechnitz has completed his cooperation and is ready to be sentenced, barring further testimonial proceedings related to the Reichberg sentencing. The Government respectfully requests that, upon the determination of Your Honors of who is best suited to sentence him, a sentencing date after that of Reichberg be set and a Presentence Investigation initiated.

Please let us know if there is any other information that Your Honors require.

Respectfully submitted,

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cc: Alan Levine, Esq.
Defense counsel on other referenced cases (by ECF)